



**City Council
Pre-Agenda Meeting
Tuesday, August 09, 2005
4:00 P.M.**

The regularly scheduled Pre-Agenda Meeting of the Trinity City Council was held on Tuesday, August 09, 2005 at Trinity City Hall, 6701 NC Highway 62, Trinity, NC 27370.

MEMBERS PRESENT: Mayor, Jimmy Shore; Council members Karen Bridges, Barbara Ewings, Barry Lambeth, Bob Labonte, Dwight Meredith, and Edith Reddick and Miles Talbert.

MEMBERS ABSENT: Council member Phil Brown

OTHERS PRESENT: City Manager Ann Bailie; City Attorney, Bob Wilhoit; City Planning/Zoning Code Enforcement Administrator, Adam Stumb; City Clerk/Finance Officer, Debbie Hinson; City Engineer's, Randy McNeill, Davis, Martin, Powell and Associates; and Jim Billups, Anderson & Associates; other interested parties.

ITEM 1. Welcome

Mayor Shore called the August 09, 2005 Regular Pre-Agenda Meeting of the Trinity City Council to order at 4:00 pm and welcomed everyone present.

Prior to proceeding with the Agenda, Mayor Shore called for a motion to amend the Agenda to add **Item 10-A : Recommendation of the Building Committee.**

Council member Lambeth made a motion to amend the Agenda to include ITEM 10-A: Recommendation of the Building Committee, seconded by Council member Ewings, and approved unanimously by all Council members present.

ITEM II. Invocation

The invocation was given by Council member Lambeth.

ITEM III. Proposed items for the August 16, 2005 Regular Meeting of the Trinity City Council

Mayor Shore called for discussion and or motion to add these items to the August 16, 2005 Regular Meeting Agenda
Review and Approval of Minutes

- 1. June 14, 2005 Pre-agenda Meeting**
- 2. June 21, 2005 Regular City Council Meeting**
- 3. July 12, 2005 Pre-agenda Meeting**

Council member Reddick made a motion to add these items to the August 16, 2005 Regular Meeting Agenda. The motion was seconded by Council member Ewings and approved unanimously by all Council members present.

Proclamations/Recognition

- 4. Recognition of Paula Peace for Service on Planning & Zoning Board**

Mayor Shore called for discussion and or motion to add this item to the August 16, 2005 Regular Meeting Agenda. *Council member Ewings made a motion to add this item to the August 16, 2005 Regular Meeting Agenda. The motion was seconded by Council member Labonte and approved unanimously by all Council members present.*

Public Hearings

5. **Rezoning Request #Z05-04, to Rezone Properties Located at 7051, 7049, 7043, 7041, 7060, 7058, 7044, 7042, 7034, 7032, 7024, 7020, 7014 and 7010 Regalwood Ct. and 4221 & 4219 Regalwood Dr. and 4716, 4718, 4708, 4710, 4696, 4698, 4688 and 4686 NC Hwy 62, Further Identified as Randolph County Tax Parcel Numbers 6797224446, 6797221363, and 6797223287. The request is to Rezone the Properties From RM (Residential Mixed) to HC (Highway Commercial). Property is Owned by Gary & Brenda Loflin.**

After opening this item, Mayor Shore called for discussion and or motion to add this item to the August 16, 2005 Regular Meeting Agenda

After a brief discussion concerning the property locations included in this request, *Council member Talbert made a motion to add this item to the August 16, 2005 Regular Meeting Agenda, seconded by Council member Ewings and approved unanimously by all Council members present.*

At this time Mayor Shore called for a motion to skip to Item # 10 in the interest of time for Mr. Billups and then return to Item # 6 on the agenda.

Council member Lambeth made a motion to skip to Item # 10 on the Agenda and then return to Item # 6, seconded by Council member Ewings and approved unanimously by all Council members present.

6. **Amendments to The Zoning Ordinance (Design Standards For Multi-Family Residential Development; Height Limitations For Multi-Family Development; And Special Use Permit Requirement For Multi-Family Development).**

Mayor Shore asked Mr. Stumb, Planning/Zoning Administrator to brief Council on this item prior to discussion and or motion to add this item to the August 16, 2005 Regular Meeting Agenda.

Mr. Stumb discussed the following items with Council:

Design Standards

The Design Standards applies to all multi-family apartments, condominiums, and townhomes and all multi-family zoning districts being Trin-Thom, RM and MFR.

The first item pertaining to Design Standards includes landscaping, traffic analysis, and also a lighting plan for any multi-family development. It also includes the requirement of a development site plan during the approval process for a Special Use Permit. This means when someone comes in for a rezoning request and a Special Use Permit, the Planning/Zoning Board and Council will have a plan to look at for consideration related to the request.

Height Requirements

The Planning/Zoning Board after considerable discussion reduced the height limit from 50 feet to 35 feet and felt somewhat comfortable that this would limit building to 2 stories. They did discuss requiring a set roof pitch in addition to this but felt this may be too overbearing on the developer to require both a set roof pitch and height limitation.

Special Use Permit Requirement for Multi-Family Development

The approval process came up at an earlier meeting when the developer came to the Board with a request for R-12, Highway Commercial, and also Residential Mixed. At that time the developer was not sure what type of structures he wished to build in the multi-family zoning. If the rezoning had been approved there was no guarantee on what would have actually been built there. This change will require a Special Use Request and Site Plan at the time the rezoning request change to Multi-Family is made. It will require the developer to specify what he plans to build whether it is apartments, townhomes, or condominiums.

Watershed

This item is reflected under Item # 7 but was discussed in conjunction with Item # 6.

If it is the desire of the Council to lower the height on Multi-Family then the number of units will be limited. The Multi-Family Zoning according to our current Ordinance allows 24 % built upon area. The State regulations will allow up to 70% built upon area for Multi-Family development. However, if this were allowed it would decrease the city's allocation. The Planning Board recommended increasing the built upon area for Multi-Family to 30%. This would not be a guaranteed the allocation of 30% , but would allow the developer to request additional allocation up to 30%. The final decision to allow the additional request is made by this Board.

Council members discussed the reasons for height limitation and their opposition to 3 story Multi-Family projects in the City of Trinity which included availability of fire protection for 3 story units, as well as future maintenance problems that could arise. There was further discussion among Council concerning their feelings on allowing 3 story units in Trinity at this time. Mr. Stumb advised members that he had done research via the internet and had found language from some municipalities that stipulated a 35 foot height requirement not to exceed 2 stories.

Council members discussed their desire to extend the option of increased watershed to allow for more built upon area and to limit the development of Multi-Family Units to 35 feet not to exceed 2 stories at this time if requested by the developer. This will still give Council the option to approve or disapprove the request for additional allocation as requested by the developer.

Council member Labonte discussed the trend of building communities to encourage walking instead of driving. These communities are high density and encourage community shopping and other activities by walking instead of driving. Council members also discussed how the Long Range Plan could be used in the future to re-examine this item. When completed we may be able to use this plan to pinpoint areas that the City may wish to look at and consider the possibility of 3 story units.

Council members discussed with Mr. Stumb the reasoning behind staff's recommendation for non-approval of height limits as recommended by the Planning Board. Mr. Stumb advised Council that limiting the height in some development areas would place too much limitation on the developer, for example the Blue Ridge Corporation. If this development had been proposed on another property not located on a major thoroughfare then there would not be a problem, as well as the problems the will arise with the Watershed allocation requirements. There may be another way Council may wish to consider this. The height could be limited to 2 stories and if a developer comes in and requests a 3 story development consider his request and create a different zoning district that would allow 3 story units.

Council members discussed earlier comments from Council member Labonte concerning the future with high density development that would offer and encourage walking rather than driving. In this scenario the development of 3-story units would warrant consideration.

There was discussion between Mayor Shore, Attorney Wilhoit, and Council members concerning any special provisions that could be added to the language to allow consideration of 3 story units if this board adopts the height limit of 35 feet and limits development to 2 stories. Attorney Wilhoit advised Mayor Shore and Council that specific areas could probably be pinpointed to allow this as discussed by Mr. Stumb, however, this could also lead to potential legal problems.

After further discussion concerning changes that Council would like in the verbiage for this item and review of the changes by Attorney Wilhoit, ***Council member Bridges made a motion that the item to be considered at the Regular Council Meeting include an amendment to the height requirement on the multi-family development to read a maximum height of 35 feet and not to exceed 2 stories.***

7. Amendments to Watershed Ordinance (Consider Allowing Special Intensity Allocations of Up to Thirty Percent (30%) Built Upon Area For Multi-Family Development).

Discussion for this item took place with discussions for Item 6. Motion for this Item to be added to the Agenda was also made in combination with Item 6.

Council member Bridges also made a motion to make an Amendment to the Watershed Ordinance to increase the allocation up to 30%, seconded by Council member Meredith and approved unanimously by all Council members present.

Unfinished Business

None

ITEM IV. New Business

8. Request By Faith Baptist Church (Located Within Trinity City Limits) to Tap Into Randolph County Schools' and City of Archdale's Sewer Systems.

Mayor Shore discussed the letter included in the packet. The Randolph County School System has agreed to this request as well as the City of Archdale. The church needs approval from the City of Trinity to hook up to this service since it is located in Trinity City Limits.

Motion was made by Council member Lambeth to add this item to the August 16, 2005 Regular City Council Meeting, seconded by Council member Ewings and approved unanimously by all Council members present.

9. Update on Trinity Land Development Plan (Paul Kron, Planning Director, Piedmont Triad Council of Governments)

Mayor Shore called for a motion to add this item to the August 16, 2005 Regular Meeting Agenda.

Motion was made by Council member Ewings to add this item to the August 16, 2005 Regular City Council Meeting, seconded by Council member Talbert and approved unanimously by all Council members present.

10. Fee Schedule Changes

- **Planning & Zoning Fees**
- **Publication Fees**
- **Inspection Fees**
- **Sewer Fees**

Mayor Shore opened this item and turned the discussion over to Manager Bailie who introduced Mr. Jim Billups, Vice President of Anderson and Associates. She discussed the agreement passed by Council from a prior meeting to contract with Anderson and Associates to provide engineering services for new development. The Manager explained that construction inspections were important because ultimately the City would assume ownership of the infrastructure. Mr. Billups has been working with the staff and the Utilities Committee in developing inspections processes and fees. He has also been working with Adam and has made recommendations for adjustments in planning fees. What we have presented in your packet today and for review next week is a citywide modified **Schedule of Fees**. This schedule illustrates the City's current fees, the proposed fees that are based on input from Mr. Billups, the Planning/Zoning Board, the Utilities Committee, and staff, the difference between the two (2), and where the recommendation came from.

Manager Bailie advised Council members that she had asked Mr. Billups to attend this meeting to explain the difference in the inspections fees since the Utilities Committee had a split vote on the proposed inspection fees at their meeting. At this time, Manager Bailie turned the discussion over to Mr. Billups.

Mr. Billups discussed the meetings that had taken place with the Utilities Committee and the proposed fees for inspection charges. We provided listings of what other communities both inside and outside of the Triad area were charging for inspection fees for work under construction. In Trinity's case that would include roadway, curb and gutter, storm drainage, and sanitary sewer. We first discussed fees that were based on recommendations to provide something that was competitive with other communities. The Utilities Committee felt the city would like the developer, rather than the taxpayer to cover costs of these fees as opposed to setting fees on a competitive basis. After our first meeting we developed a fee schedule by using 1 mile of subdivision to develop a fee for field inspections and to carry through to completion rather than using fees based on a competitive system. At our second meeting with the Utilities Committee we recommended charges of \$1.08/LF for roadway and storm drainage and \$1.08/LF for Sanitary Sewer. This is a base system whereby we as your consultants are taking primary responsibility for the inspection of the work that is being put into place. The alternate means of completing this process and offered by a number of communities is when the developer's engineer is allowed to certify the inspection. In this case our firm will monitor the project to make sure the inspections are being done properly and will take part in the final inspections of the project. Under this scenario our involvement would be less and we have recommended the fees of .26/LF for roadway and storm water drainage and .37/LF for sanitary sewer. As mentioned earlier by Manager Bailie the Utilities Committee were split with regard to whether to allow the developer the option of having the Engineer Certified Inspections. There was 50% that felt they would rather have the city representatives (Anderson and Associates) involved entirely in the inspections process and 50% that wanted to allow the developers to use Engineer Certification if it did not hurt the overall quality of the project.

Manager Bailie stated the only caveat to this was if the developer and contractor had common financial interest in the project, the Engineer Inspections option would not be available to them. In this case the developer would have to pay the \$1.08 fee for the full inspection process.

Mr. Billups advised Council the primary reason the Engineer Inspections option was offered to a developer was to help the developer expedite their project. This option may cost them more than to have the full inspections provided by city representatives and becomes convenient if the contractor will be working odd hours or on weekends.

We discussed with the Utilities Committee the ethics and Engineering Board Rules that apply to the engineer certifying the project that requires our firm to report anyone that we feel has falsified reports. This could lead to loss of license to the engineer. Our firm would be happy to complete the full inspection services or if the city desires to allow the option for Engineer Certified Inspection as an additional option, we will provide the inspections needed at the costs discussed. Our firm does not have a formal recommendation for either option and will work with the City on either choice.

Manager Bailie advised Council members that Mr. Billups would be attending the Regular Council Meeting on August 16, 2005. The two (2) options as presented are as follows:

- (1) Anderson and Associates is primarily responsible as the City representative for inspections for sewer, roadway, and storm drainage construction. This is not full time inspections, however the inspections are made frequently enough to make sure the work for the project is proceeding as it should and that the contractor is using the proper materials and methods for the installation of the work being done as well as a final inspection at the close of the project. These fees would be charged at the time the plans are reviewed. Costs for service at this level is **\$1.08/per LF for Roadway and Storm Drainage and \$1.08/per LF of Sanitary Sewer.**
- (2) An alternate means of accomplishing the inspections which are allowed in Greensboro and other cities are defined as **Engineer Certified Inspection.** This allows the developer to use his engineer to inspect the work as it is installed. That engineer then has to provide certification that the work for the project has been installed properly. In this scenario Anderson and Associates role would be diminished. They would come out and do periodic check inspections on the project to make sure that the engineer is inspecting the work. They would also participate in the final inspection and the close out process to make sure the project is in compliance with City specifications. **This option would not be available to the developer if a conflict of interest existed between the developer and contractor.**

Costs for services at this level is **.26 cents/per LF of Roadway and Storm Drainage, and .37 cents/per LF for Sanitary Sewer.**

What the Utilities Committee split their vote on was whether to allow the developer to exercise the **Engineer Certification Inspections.**

There was discussion concerning how these fees would be charged. Mr. Billups advised Council that his firm's charges for the city were based primarily on a per hour basis. However, we have advised Manager Bailie that we would use these proposed rates given to you as guaranteed maximums on any given project. Our firm will not charge more than the City will collect on inspection fees for the first year.

Council member Lambeth commented on the benefits of allowing the Certified Engineering Inspections and agreed with Mr. Billups concerning problems that can arise in getting inspections completed on the weekends. Mr. Billups advised members that his firm had suggested that a 24 hour advance notice for inspections would be desirable or in some circumstances we may be able to accommodate the inspections if notified by lunch the previous day. We would try to accommodate inspections needed on Saturdays but could not guarantee Saturday or weekend inspections.

Mr. McNeill stated this type of inspection would be on a periodic basis. The developer would not be required to leave the construction uncovered and would not relate to leaving a ditch open. If the developer were to run into something unusual the city engineer will come out to observe. It is their responsibility to inspect for quality of construction not to solve problems, the developers engineer will need to solve the problems.

Manager Bailie advised Council members and Mayor Shore this was important since the infrastructure being installed by the developer would be taken over by the City one (1) year after completion. The City wants to make sure that what is installed has been installed properly prior to assuming responsibility.

After a brief discussion between Mayor Shore, Council members and Manager Bailie concerning recommendations from the Planning/Zoning Board and the Utilities Committee, Council member Talbert made a motion to add this item to the August 16, 2005 Agenda, seconded by Council member Bridges and approved unanimously by all Council members present.

Sewer Fees

Manager Bailie advised Council that she and Mr. McNeill had compared Capacity Fees charged by Trinity to other municipalities and felt the City needed to adjust their fees. We are only charging \$1.00 per gallon based on Schedule A included in your packet. We are also negotiating with Thomasville and are very close to an entering an agreement with them in upgrading and expanding their wastewater treatment plant. This will cost a considerable amount of money. In light of both of these things we are recommending that we increase our Capacity Fees from \$1.00/per gallon to \$3.00/per gallon and base the calculations on Schedule A except for Single Family Residential. We recommend that Single Family Residential development be charged a flat fee of \$1,000 per home. The Utilities Committee has also reviewed, agreed, and recommended the proposed changes to Council.

The Utilities Committee also discussed implementing a fee when the taps are installed by the developer. After discussion and review of the costs, the Utilities Committee recommended that a \$50.00 fee per tap be charged to the developer for administrative fee.

Mr. McNeill advised Council that Trinity would be paying the City of Thomasville at the rate of approximately \$5.00 per gallon in comparison to the proposed fee of \$3.00 to be charged by Trinity. This will allow Trinity to recover a small amount of what you pay and to generate additional revenues without raising sewer fees to your customers. Any existing homes or business that has existing septic systems are excluded from this program.

There was a brief discussion between Council members, Manager Bailie, and Mr. McNeill concerning how the schedule listed in Appendix A would be used to calculate the usage of gallons. There was further discussion as to the need to devise a schedule when these fees would be charged and at what time the fees would be payable. Manager Bailie advised Council members that the sections highlighted were the sections that contained changes.

After a brief discussion between Mayor Shore, Council members, and Manager Bailie concerning recommendations from the Planning/Zoning Board and the Utilities Committee, Council member Talbert made a motion to add this item to the August 16, 2005 Agenda, seconded by Council member Bridges and approved unanimously by all Council members present.

10A- Building Committee Report

Mayor Shore opened this item and asked for Council member Ewings to brief Council.

Council member Ewings advised Council members that the Building Committee met Monday afternoon and the following recommendations will be brought to Council for consideration.

We discussed the 2 options for the additions to the existing building. After much discussion the Committee would like to make the following recommendations;

1. **That an addition not be added to the current City Hall and that we as a Board authorize staff to develop a cost estimates for the following:**
 - (1) **A stand alone building that could become a public works or other department building at a later date or a stand alone meeting room that would be part of a new City Hall at a later date.**
 - (2) **That staff be authorized to solicit resident input into development of City owned property through a survey in the newsletter and through public input process which will be part of the development of the Land Use Plan.**

In summary the Committee looked at the pros and cons of adding an addition to the existing City Hall. Based on the information that we received we felt that we wanted to bring an alternative such as a building the city could build that would provide a meeting place for ourselves and that could have a long range use at a later date as discussed, or a building that the city could use that would be attractive enough so that when the city is ready to build a new City Hall we could simply add to it. This is our recommendation from the building committee.

Manager Bailie advised Council that if they were in agreement with the recommendations from the Building Committee, a motion was needed to authorize Mr. McNeill to begin obtaining costs for alternate buildings as well as authorizing staff to solicit resident input through the newsletter by survey.

Mayor and Council members discussed the recommendations proposed by the Building Committee. Council member Meredith stated that the costs were less to build a stand alone building as opposed to additions to the existing City Hall.

As a point of clarification Mr. McNeill discussed with Council the type of stand alone building the Committee discussed. The discussion concerning the building was to use a Pre-Engineered metal frame building with the possibility of a brick fascia to help dress it up. This would be a typical flat roof building with fascia. This building would not be City Hall, but could be used for some other use at a later date.

After a brief discussion, *Council member Talbert made a motion to instruct Mr. McNeill and staff to proceed as recommended by the Building Committee, seconded by Council member Labonte, and approved unanimously by all Council members present.*

11. Appointment to Planning & Zoning Board

Mayor Shore opened this item and called for a motion to add this item to the August 16, 2005 meeting.

Council member Bridges made a motion to add this item to the August 16, 2005 Agenda, seconded by Council member Labonte and approved unanimously by all Council members present.

Additional Pre-Agenda Meeting Business

ITEM V. Business from Mayor and Council

Council member Labonte discussed the following items:

Status of the Davidson Water Line

Council member Labonte asked the status of Davidson Water as far as installation on the water line.

Mayor Shore advised Council that he had spoken with Gregg Stabler of Davidson Water concerning this question. Mr. Stabler advised me that have begun to lay the pipe and hoped to begin in Trinity at County Line Road in approximately four (4) weeks and planned to have this project complete by April 2006.

Sewer Plan Time Lines

Council member Labonte discussed comments he had received concerning the seemingly slow speed at which the city sewer plan was advancing. The Bond Referendum took place a year ago and the citizens do not know of anything that has taken place since then. We need to have some type of update or progress report. What can we do to speed this up?

Mr. McNeill advised Council that each project would take approximately 4 years each. We have submitted a funding request for Phase III. The 4 year process does not begin until the City signs the contract to begin the actual project. We have not received assurance of receiving the loan monies at this time. I was waiting until that was received to bring the engineer's contract to the Council to begin the design of this project. Phase 2 has been approved. We need to complete design, acquire easements, apply for and receive all permits, and then begin construction of Phase II prior to the end of the year. If approved the funding for the Phase III Project will either be funded from the end of the year budget by the funding agency that runs from October 2004 to September 31, 2005, or we will receive money from the new year budget of the funding agency that begins in October 2005 and runs through September 2006. We should know before October if the funding will be from the current year budget or the new year budget of our funding agency.

Council member Labonte asked what Council could do once fees are set by the engineer and a contract is approved to speed up the process. Mr. McNeill and Council members discussed the possibility of acceleration of the projects. Mr. McNeill advised members that the Phase 3 project was larger than Phases 1 and 2 added together. We could

accelerate the design process by 25% to save some time as well as instruct our Right of Way Agent to shorten the time available to consider offer to property owners prior to condemnation.

Manager Bailie discussed the money that the city must pay up front for each of these projects. The city is committed to paying 25% of each of these projects. The city must pay the money up front and receive reimbursement later; therefore the city needs to make sure that we have the money in the bank to meet these obligations.

After further discussion concerning the status of the sewer projects, Manager Bailie advised members she would provide an update on these projects in the next newsletter.

Council member Talbert discussed the following:

Allowing Kennels in Residential Neighborhood

Council member Talbert asked what constituted the definition of kennel and if breeding and selling of dogs took place in the neighborhood was this a violation. He discussed a neighbor in his neighborhood that was currently raising and selling Pit Bulldogs. Attorney Wilhoit advised Council member Talbert that the city could enact a Special Ordinance concerning Pit Bulldogs and that he would research this and provide the verbiage for this to Manager Bailie.

ITEM VI. Business from City Manager

▪ Sewer Service Billing of Phase 1 Residents Who Have Not Connected to System.

Manager Bailie discussed how this originated and the time limit placed on these residents to tie into the sewer. We have different letters prepared to be mailed out to less than 36 residents of Phase 1 informing them that we will begin billing them until they are hooked on in the amount of \$37.50 a flat fee on a monthly basis.

We would like to bill residents who have not paid their tap fees and who have not hooked on at \$85.00 monthly for one year. The total amount billed would include a \$20.00 administrative fee. ***It was the consensus of Council that Manager Bailie proceeds with the proposed billing as presented.***

Manager Bailie discussed the chart included in Council's packet that illustrated all of the Phases, the number of customers the City will have when they tie on, the deadline for the resident to pay the discounted tap fee, when the system was or will be available, and what the deadline connection date is for each Phase.

Letter from DWQ

Our stormwater permit has been tentatively approved and is open to public comment. They have incorporated our changes that we made. This permit will define what the city needs to do over the next 5 years.

Administrative Course

Manager Bailie advised Council that she had applied and been accepted to participate in the Institute of Government Municipal Administrative Course. Manager Bailie did a brief review of the course curriculum. She advised Council that she selected a three (3) day program that would require her to be out of the office approximately one (1) Thursday and Friday per month as well as Saturday. This course lasts approximately 6 months. She asked for Council's consensus to allow her to attend this course prior to returning her acceptance since it would require her to be absent 2 days per month for the period of the course.

It was the consensus of Council for Manager Bailie to attend this course.

Mayor

Mayor Shore shared with Council that he had held discussions with Subway, Ham's, and J'Butler's Restaurant's in an effort to encourage them to consider Trinity as a future location.

ITEM VII. Adjournment

With no other business to discuss, Mayor Shore called for a motion to adjourn the August 09, 2005 Pre-Agenda Meeting.

Council member Reddick made a motion to adjourn the August 09, 2005 Pre-Agenda Meeting, seconded by Council member Bridges and approved unanimously by all Council members present.